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October 15, 1984

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Re: United States, et al. v. Reilly Tar & Chemical
Corporation, et al.
File No. 4-80-469

Gentlemen:

Enclosed and served upon you by United States mail please
find a copy of Request of Reilly Tar and Chemical Corporation to
the United States of America For Production of Documents.

Very truly yours,

Mark R. Kaster

MRK/am

cc: Robert Leininger, Esq.
Paul G. Zerby, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Civil No. 4-80-469

and

STATE OF MINNESOTA, by its
Attorney General Hubert H.
Humphrey III, its Department
of Health, and its Pollution
Control Agency,

Plaintiff-Intervenor,

vs.

REILLY TAR & CHEMICAL CORPORATION;
HOUSING AND REDEVELOPMENT AUTHORITY
OF ST. LOUIS PARK; OAK PARK VILLAGE
ASSOCIATES; RUSTIC OAKS CONDOMINIUM,
INC.; and PHILIP'S INVESTMENT CO.,

Defendants,

and

CITY OF ST. LOUIS PARK,

Plaintiff-Intervenor,

vs.

REILLY TAR & CHEMICAL CORPORATION,

Defendant,

and

CITY OF HOPKINS,

Plaintiff-Intervenor,

vs.

REILLY TAR & CHEMICAL CORPORATION,

Defendant.

REQUEST OF REILLY TAR AND
CHEMICAL CORPORATION TO THE
UNITED STATES OF AMERICA FOR
PRODUCTION OF DOCUMENTS

TO: United States of America, plaintiff above-named, and its attorneys, James M. Rosenbaum, United States Attorney, Francis X. Herman, Assistant United States Attorney, 110 South Fourth Street, Minneapolis, Minnesota, 55401, and David Hird, Attorney, Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Washington, D.C., 20530. .

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, defendant Reilly Tar & Chemical Corporation requests that United States of America to produce all materials described below for inspection and copying at the offices of Dorsey & Whitney, 2200 First Bank Place East, Minneapolis, Minnesota 55402 within thirty (30) days from the date of service hereof.

In answering this request for production, if privilege is alleged as to any information or documents, or if any request is otherwise not answered in full after the exercise of due diligence to secure complete information, state the specific grounds for not answering in full and respond to said request for production to the extent to which no privilege is claimed or to the extent to which information is available, and fully identify the information or documents for which the privilege is asserted and specify the privilege (e.g., work product, attorney-client).

DEFINITIONS

1. "Document" or "documentation" includes, without limitation, any written, printed, typed, or other graphic matter of any kind or nature, whether sent or received or neither, including drafts and copies bearing any marks (such as initials, comments, notations, notes or stamped indices) not found on the original,

and includes, without limitation, all memoranda, reports, notes, transcripts, letters, envelopes, telegrams, cables, telexes, telephone bills, messages, interoffice memoranda, work papers, diaries, desk calendars, appointment books, drafts, minutes or transcriptions of meetings and other communications of every type, and all mechanical or electrical sound recordings, magnetic tapes, or other material on which information can be stored or obtained. The term "document" includes all documents in your care, custody, possession or control, or of which you have knowledge, whether or not you currently have such documents in your care, custody, possession or control.

2. Risk assessment means the characterization of potential adverse health effects of human exposure to environmental pollutants. This includes the establishment of safe levels as well as the probabilistic expression of risk used where no safe level can be set.

3. Risk management refers to the means of deciding what to do about the results of a risk assessment. The term includes the collection and presentation of information about the impact of a pollutant or contaminant or mixture thereof, on human health or on the environment; consideration of the uncertainty surrounding the imputation of such impact; consideration of alternative ameliorative actions; and consideration of what is gained from them and what they cost, cost being defined as all economic and social impacts.

REQUESTS

1. All reports or documents of any kind prepared for or by the EPA's Toxics Integration Task Force relating to (1) risk management (2) risk assessment, and (3) the discrepancies which exist between the various EPA program offices regarding acceptable risk levels employed by the EPA.

This request includes but is not limited to documents related to the differences in the way different EPA programs respond to the same type and degree of risk, as summarized in Michael Gruber's paper entitled, "Developing a More Consistent Risk Management Policy at EPA." (Michael Gruber is the Branch Chief, Industry Unit, Integrated Environmental Management Division, of EPA's office of Policy Analysis.)

2. All documents and information, or a fair summary thereof, assembled by the Toxics Integration Task Force Risk Management Subcommittee.

3. All documents of any kind related to risk assessment of polynuclear aromatic hydrocarbons (PAH's).

4. All documents of any kind related to risk management of polynuclear aromatic hydrocarbons (PAH's).

5. All documents of any kind related to discrepancies which exist between the various EPA program offices (i.e., RCRA, Superfund, etc.) regarding acceptable polynuclear aromatic hydrocarbon risk levels employed by the EPA.

6. All documents of any kind related to "alternate contaminant levels" (ACL) for polynuclear aromatic hydrocarbons

as determined by the Studies and Methods Branch of the Characterization and Assessment Division of EPA's office of Solid Waste or any other EPA program office.

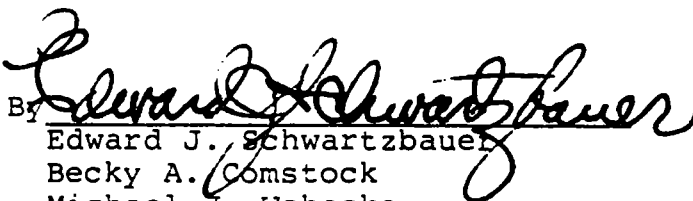
7. The Remedial Investigation Feasibility Study prepared for what has been designated the Reilly Tar and Chemical Corporation site in St. Louis Park, Minnesota.

8. All documents reflecting costs associated with the preparation of the Remedial Investigation Feasibility Study noted in request No. 7.

9. All EPA record of decision (ROD) policy and guidance documents.

Dated: October 15 1984

DORSEY & WHITNEY

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